

REMARKS

Claims 1-36 are pending in the application. Claims 13, 24-26 and 36 are amended by this amendment.

In the action dated April 9, 2003, claims 13 and 24-26 were objected to on formal grounds. By the foregoing amendment the Applicants have amended claims 13 and 24-26 to correct the informalities noted.

In the aforementioned action all pending claims 1-36 were rejected. Specifically, claims 1-4, 6-14, 16-19, 21-29 and 32-36 were rejected under 35 U.S.C. §102 as being anticipated by United States Patent No. 6,275,575 to Wu ("Wu"). Claims 1-2, 5, 7, 9-12, 16, 17, 20 and 22-26 were rejected under 35 U.S.C. §102 as being anticipated by United States Patent No. 6,272,214 to Jonsson ("Jonsson"). Claims 15, 30 and 31 were rejected under 35 U.S.C. §103 as being unpatentable over Wu as applied to claim 27 and further in view of United States Patent No. 6,175,619 to DeSimone ("DeSimone"). Applicants respectfully traverse the foregoing rejections based upon the remarks set forth below.

Before turning to the specific claim limitations missing from the prior art, Applicants submit a brief review of the present invention as claimed is useful.

The present invention is a method and apparatus for establishing a voice call by way of an electronic mail (email) message. A first party (offeror) generates or causes to be generated an electronic token representing an offer to participate in a voice communication, which is transmitted to an offeree party in association with an email message. Upon receiving the electronic token, the offeree has the option of accepting the offer by activating the electronic token. As described for example at page 14-15 of the specification of the present application,

and claimed in independent claims 1, 16, 32 and 36, when the offeree activates the electronic token, a voice call is established. In other words, the offeror never needs to receive any information from the offeree regarding acceptance of the offer in order for the voice communication to be established. As described on pages 14-15, upon activation of the electronic token a bridgeport designated by the electronic token is contacted commencing call establishment.

Applicants respectfully traverse the examiner's assertion that the Wu patent describes such a system and method. Wu clearly describes a method and system for remotely accessing a multi-point cross-platform telephone conferencing system for the purpose of coordinating and initiating multi-point conference calls wherein the coordinator of the conference sends invitations to conference invitees, the invitations containing information such as proposed start times and conference duration (col. 9, lines 50-55). The invitee is required to provide an acceptance of the invitation along with information either accepting the start time or providing an alternate time so that a control script for the conference can be generated (col. 9, line 66- col. 10 line 2). If the response to the invitation of Wu initiated the conference call, the information provided to the coordinator in the acceptance of the invitee would not only be superfluous but the entire goal of the Wu patent, i.e., coordination of a conference call including all invitees desiring to be included, would be frustrated since the call would be commenced immediately, at a time not scheduled or in accord with the schedule of all participants. Moreover, no control script as required by Wu would or could be generated.

Processing the responses of invitees is essential to the disclosure of Wu for creating the control script (col. 10, lines 27-43). In Wu it is only after the control script is established and the coordinator selects a conference to initiate that a call can even be contemplated (col. 10, lines

44-49). Only at that point can an instruction be forwarded to the coordinating server device which forwards the control script to the telephone server (col. 10, lines 49-51). The telephone conference server only then initiates calls to participants and the coordinator (col. 10, lines 51-53).

Accordingly, each of independent claims 1, 16, 32 and all claims dependent thereon, and claim 36 as amended, are clearly distinguishable and patentable over what is disclosed in Wu. Each independent claim contains the limitation “services for causing a voice call to be established between the destination party designated by the offeror client and the offeree in response to the offeree’s acceptance of the offeror client’s offer”. Wu cannot anticipate any of these claims because this limitation is completely missing from Wu. Wu simply neither teaches or suggests, and indeed teaches away, from the establishment of a call upon acceptance of an electronic token as claimed in the present application. Regarding the claims dependent on independent claims 1, 16 and 32, each of these claims, either explicitly or through their dependency, requires that when the offeree activates the electronic token, a voice call is established. Accordingly, the arguments articulated above with respect to independent claims 1, 16 and 32 apply equally to these additional claims. For the foregoing reasons the Applicants request the rejection of claims 1-4, 6-14, 16-19, 21-29 and 32-36 over Wu be withdrawn.

Likewise, the Applicants respectfully traverse the rejection over Jonsson. Jonsson discloses a communications system for creating a unique identifier, which is associated with an upcoming telemeeting (col. 3, lines 3-5). Intended participants can be identified to the meeting by including a unique identifier along with a notification message such as an email message (col. 3, lines 17-20). Using the unique identifier and suitable terminal equipment, any recipient of the notification message desiring to participate in the conference can call the telephone number

provided, click on the URL provided, etc., in order to make a request to participate in the conference (col. 3, lines 29-33). In response to receiving such a request to participate, the conference service node generates a reference identifier personalized for that requester, the personal reference identifying a specific meeting “location” for that requester. (col. 3, lines 33-38). Using that personal reference (telephone number, etc.) and suitable terminal equipment, that requester can access the conference via the meeting location (col. 3, lines 38-41). In view of this disclosure, like Wu, the goal of Jonsson would be frustrated if the conference participants initiated a call merely by accepting an invitation to participate.

Independent claims 1 and 16 both recite the limitation “services for causing a voice call to be established between the destination party designated by the offeror client and the offeree in response to the offeree’s acceptance of the offeror client’s offer”. Jonsson clearly does not teach or suggest, and indeed teaches away, from the establishment of a call upon acceptance of an electronic token as recited in independent claims 1 and 16 in the present application and therefore cannot anticipate these claims. Regarding the claims dependent on independent claims 1 and 16, each of these claims, either explicitly or through their dependency, requires that when the offeree activates the electronic token, a voice call is established. Accordingly, the arguments articulated above with respect to independent claims 1 and 16 apply equally to these additional claims. For the foregoing reasons the Applicants request the rejection of claims 1-2, 5, 7, 9-12, 16, 17, 20 and 22-26 over Jonsson be withdrawn.

In view of the foregoing arguments relating to Wu, it is believed the rejection of claims 15, 30 and 31 under 35 U.S.C. §103 over Wu as applied to claim 27 and further in view of DeSimone is traversed. Namely, given the vast difference between Wu and the presently claimed invention the combination of the teachings of Wu and DeSimone can not disclose,

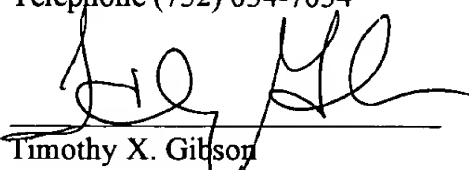
suggest, teach or render obvious claims 15, 30 or 31 of the subject application. Therefore claims 15, 30 and 31 are believed to be patentable for at least the reasons set forth above with respect to independent claims 1 and 16.

Reconsideration with a view towards allowance is respectfully requested. No fee is believed due with this amendment, however, the examiner is authorized to charge any shortages or credit any overpayments to our deposit account number 11-0223.

Respectfully submitted,

KAPLAN & GILMAN, L.L.P.
900 Route 9 North
Woodbridge, NJ 07095
Telephone (732) 634-7634

DATED: June 5, 2003



Timothy X. Gibson
Reg. No. 40,618

\\Pdc\myfiles2\TXC Corp\Patents\176-23\Response to OA of 4-09 for 09-694,657.doc